IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

LA.App. No. 655 of 2004

LAR.257/1999 of PRINCIPAL SUB COURT, NORTH PARAVUR
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APPELLANT/ IST RESPONDENT:

STATE OF KERALA, REP. BY THE
DISTRICT COLLECTOR, ERNAKULAM.

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.

RESPONDENTS/ CLAIMANT & ADDL. 2ND RESPONDENT:
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1. **RAJAPPAN, S/O. PARAMESWARAN,**
   PARAMBATTUKUDY, NAYATHODE.

2. **KOCHI INTERNATIONAL AIRPORT SOCIETY,**
   REP. BY ITS MANAGING DIRECTOR.

BY ADV. SRI.N.N.SUGUNAPALAN, SC, KIAS LTD.
SMT.T.N.GIRIJA, SC, COCHIN I AIRPORT LTD

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 655 OF 2004

Dated this the 12th day of November, 2007.

J U D G M E N T

Kurian Joseph, J.

This appeal is filed by the State aggrieved by the fixation of land value by the reference court. Acquisition is for the purpose of Kochi International Airport, Nedumbassery.

2. The reference court fixed the land value at 90%. It is seen that in similar matters, this Court in L.A.A Nos. 412/2001 and 290/2003 has reduced the land value to 45% over the value fixed by the Land Acquisition Officer.

Accordingly, the appeal filed by the State is partly allowed. Claimant shall be entitled only to 45% enhancement over the value fixed by the Land Acquisition Officer. However, it is clarified that in case the claimant has not been granted statutory benefits including interest on solatium, claimant shall be granted the same.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. NO. 655 OF 2004

J U D G M E N T

12.11.2007